

REMARKS

Claims 18-47 are pending in the application.

Claims 18-47 stand rejected.

Claims 18, 20-25, 27-28, 30-35, 37-38, 40-41, 43-45, and 47 have been amended.

Rejection of Claims under 35 U.S.C. §101

Claims 44-47 stand rejected under 35 U.S.C. § 101 because the claimed invention as being directed to non-statutory subject matter. The amended claims 44-47 are directed to non-statutory subject matter.

Rejection of Claims under 35 U.S.C. §112

Claims 18-47 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 18-47 have been amended to address the Examiner's rejections. Claim 18, 30, 40, 44 are rejected under 35 U.S.C. § 112, second paragraph. The applicant respectfully submits that these amendments in no way change the scope of coverage of claims 18-47.

Claim 18 is amended to specify that the method executes one or more tasks within each of a plurality of nodes of a network to generate first data and second data. The first data identifies at least one node at which, insert data is added or erase data is deleted. Claim 18 is also amended to specify that second data indicates data format of in-transit data being

transmitted over the network. Furthermore, to clarify terms “data” and “data on network” the terms are replaced by term “in-transit data being transmitted over said network”. Lastly, claim 18 is amended to include identifying a destination node of the in-transit data; and transmitting the in-transit data to the destination node using the first data and the second data. Additionally, claims 20-25, 27, and 28 have been amended to reflect the amendment of claim 18.

Likewise, independent claim 30 is amended to reflect changes in claim 18 and, claims 31-35, 37, and 38 have been amended to reflect the amendment of claim 30. Also, independent claim 40 is amended to reflect changes in claim 18, and claims 41-43 have been amended to reflect the amendment of claim 40. Lastly, independent claim 44 is amended to reflect changes in claim 18, and claims 45 - 47 have been amended to reflect the amendment of claim 44.

Claims 21, 31, 41, and 45 are amended to recite “said insert data and said erase data” instead of “said data”. Amended claim 18 provides the antecedent basis for terms “insert data and erase data”. Furthermore, claims 27 and 37 are amended to clarify that for each data bucket, the method identifies at least one *node* at which insert data is being added via the data bucket, and/or a node at which erase data is being deleted via the data bucket.

Rejection of Claims under 35 U.S.C. §102

Claims 18-23, 28-33, 38, 39 and 44-47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Aho, U.S. Patent No. 5,408,618 (Aho).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that

the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that the cited sections of Aho do not teach limitations of claims 18, 19, 30, and 44.

As regards to claim 18, Cited sections of Aho do not teach the claimed invention first data, the claimed invention node at which insert data is added, the claimed invention node at which erase data is deleted. The examiner equates claimed invention node at which insert data is added with the informer node system name 765 and type 755 (office Action P.4). This is incorrect since Aho describes informer node as:

When a node is added to the network, an "informer node" uses the ACM to supply configuration information to the other nodes of the network. To accomplish this task, the ACM dispatches public query messages which, unlike the private query messages, can only be directed to the network as a whole. (Aho 3:59-61)

Informer node provides configuration information pertaining to the newly added node, not newly added data on a node. This establishes that neither informer node system name 765 nor type 755 are analogous to claimed invention node at which insert data is added.

Because the cited portions of Aho teach gathering and supplying the information pertaining to a newly added node and not the newly added data on an existing node, one skilled in the art would not expect Aho to teach identifying a node at which insert data being added or

erase data being deleted to generate first data, identifying a format of in-transit data being transmitted over the network and transmitting the in-transit data to the destination node using the first data and the second data features of the claimed invention.

The cited portions of Aho neither teach nor suggest that identifying format and destination node of the in-transit data, nor do the cited portions of Aho teach or suggest transmitting the in-transit data to the destination node using the first data and the second data features of the claimed invention. Aho also fails to recognize each node generating first data, switching and squelching traffic to prevent misconnection, and transmitting data in data buckets features of the claimed invention.

For at least the foregoing reasons, Applicants respectfully submit that the cited sections of Aho fail to teach or suggest claim Claims 18-23, 28-33, 38, 39 and 44-47. Claims 19-23, 28-33, 38, 39 and 44-47 are patentable over the cited art for similar reasons. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the final rejections as to these claims and an indication of the allowability of same.

Rejection of Claims under 35 U.S.C. §103

Claims 40-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aho, U.S. Patent No. 5,408,618 (Aho).

Claims 24 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aho, U.S. Patent No. 5,408,618 (Aho).

Claims 25, 27, 35 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aho, U.S. Patent No. 5,408,618 (Aho) in view of Taniguchi, U.S. Patent No. 6,122,250

(Taniguchi) and Uyless Black, *TCP/IP and Related Protocols*, McGraw-Hill, 1998, p ages 1, 2 and 166-169 (Black).

Claims 24, 34, and 40-43 are allowable over Aho for above mentioned reasons.

Claims 25, 27, 35 and 37 are allowable over the over Aho, Taniguchi and Uyless Black for at least the above mentioned reasons. Aho does not teach the claimed invention node at which insert data is added or erase data is deleted, identifying format and destination node of the in-transit data, transmitting the in-transit data to the destination node using the first data and the second data, switching and squelching traffic to prevent misconnection, and transmitting data in data buckets features of the claimed invention. Both Taniguchi and Uyless Black combined together do not cure this infirmity of Aho.

Even though Taniguchi teaches maintaining a squelch table, Taniguchi does not teach switching traffic from a working channel to a redundant after determining the *format* of the in-transit data. Furthermore, Aho can not be combined with Taniguchi at least because Taniguchi describes a ring transmission system of a bi-directional line switched ring (BLSR) type where each of the nodes creates a modified squelch table. Aho does not describe each node storing configuration information or modification thereof, but conversely designates the "informer node" to supply configuration information to the other nodes of the network. Since each node does not store configuration information or modifications thereof, each node in Aho can not maintain a modified squelch table.

Thus Claims 25, 27, 35 and 37 are allowable over the over Aho, Taniguchi and Uyless Black. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the final rejections as to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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